

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 9/10/2015

Action Requested By:
Planning

Agenda Item Type
Resolution

Subject Matter:

Zoning Ordinance Amendment.

Exact Wording for the Agenda:

Resolution to set a public hearing of an ordinance to add new ARTICLE 27 – VILLAGE BUSINESS C-6 DISTRICT; amends ARTICLE 75 – ALCOHOLIC BEVERAGE CONTROL REGULATIONS to add regulations for ARTICLE 27; and amends ARTICLE 92 – BOARD OF ADJUSTMENT to add regulations for ARTICLE 27.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Recommended by Planning Commission.

Public Hearing Date: October 22, 2015

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Michael B. Jordan

Date: 8/26/2015

RESOLUTION NO. 15-

WHEREAS, the Planning Commission of the City of Huntsville, Alabama, has given consideration to an amendment to the Zoning Ordinance, a synopsis of said amendment being as follows:

- (1) Adds new ARTICLE 27 - VILLAGE BUSINESS C-6 DISTRICT; amends ARTICLE 75 - ALCOHOLIC BEVERAGE CONTROL REGULATIONS to add regulations for ARTICLE 27; and amends ARTICLE 92 - BOARD OF ADJUSTMENT to add regulations for ARTICLE 27.
- (2) The first publication of this resolution, this synopsis, and the ordinance hereinafter set out at length shall be in the Huntsville Times on the ____ day of _____, 2015, and the second publication shall be one week thereafter on the ____ day of _____, 2015, both of which publications shall be at least 15 days in advance of the date of the public hearing hereinafter referred to.

WHEREAS, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of an amendment to the Zoning Ordinance of the City of Huntsville, Alabama, in accordance with said request;

NOW, THEREFORE, **BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, as follows:

1. That the City Council of the City of Huntsville, Alabama, shall meet at 6:00 p.m. on the ____ day of _____, 2015, in the Council Chambers of the City of Huntsville Administration Building at 308 Fountain Circle in the City of Huntsville, Alabama, for the purpose of holding a public hearing at which time and place all persons, parties in interest and cities who desire, shall have an opportunity to be heard in opposition to or in favor of said ordinance amending the Zoning Ordinance of the City of Huntsville, Alabama.

2. That the proposed amendment to the Zoning Ordinance of the City of Huntsville, Alabama, is substantially in words and figures as follows:

ORDINANCE NO. 15-

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE
CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 *Code of Alabama*, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

Section 1. Add new ARTICLE 27 - VILLAGE BUSINESS C-6 DISTRICT to read as follows:

ARTICLE 27 VILLAGE BUSINESS C-6 DISTRICT REGULATIONS

Purpose

The Village Business C-6 District is intended to preserve neighborhood character as well as encourage a variety of uses in a more pedestrian oriented setting and sustain a harmonious transition between existing and new structures. This district is intended to encourage innovative redevelopment projects that set standards for landscaping, community design and aesthetics.

Within a Village Business C-6 District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

27.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Accessory structures and uses.

Agricultural uses.

Antique stores and art galleries, excluding flea markets.

Bakeries, where not more than five (5) persons are employed on the premises.

Barber shops, beauty parlors, reducing salons and fitness/exercise centers, excluding tattoo and body piercing parlors.

Book, map, card and stationery stores.

Cafes, delicatessens, coffee shops and restaurants without alcoholic beverages.

Churches and similar places of worship.

Computer programming, software design and web design services.

Dance and music academies.

Drug stores.

Florist shops.

Grocery, health, and ethnic food stores.

Gift shops.

Home furnishings stores.

Jewelry stores and watch repair shops.

Multiple family dwellings, accessory structures and uses.

Municipal, county, state or federal uses and facilities.

Music and video stores.

Newsstands and hobby shops.

Notions and dry goods stores.

Office supply stores.

Offices for accountants, architects, attorneys and other professionals; consumer service offices such as real estate agencies, insurance agencies, travel agencies, advertising agencies; and administrative offices.

Performing Arts Centers.

Photography studios and photo retail sales.

Quick copy print shops.

Radio and television studios but not including broadcast towers.

Residential dwelling units -- provided such residential units occupy upper-story space within new or rehabilitated existing buildings having non-residential uses on the street level and provided that such residential units are in compliance with all applicable regulations for habitable space. All such residential uses shall have an entrance separate from the non-residential uses on the street level unless the entrance to the building opens into a lobby from which access to each use originates.

Shoe stores, shoe repair shops and tailor shops.

Sound and video recording studios.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.2 hereof.

27.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof:

- (1) Minimum front yard requirements: None
- (2) Minimum rear yard requirements: None, except that when the rear lot line abuts a residential district, except across a street, a rear yard of twenty-five (25) feet is required of which the first five (5) feet of the required rear yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree and six (6) shrubs per each linear fifty (50) feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.
- (3) Minimum side yard requirements: None, except that when the side lot line abuts a residential district, except across a street, a side yard of ten (10) feet is required.
- (4) Maximum height is 35 feet.

27.3 - Site Development

In order to promote the purpose of the district the following standards shall be applied:

27.3.1 Building Size, Architecture, and Walkability

- (1) For purposes of this section: (a) buildings sharing a common wall or having walls touching at or above

grade shall be considered as one building; (b) the term "retail trade" means an establishment engaged primarily in selling goods, including groceries, or merchandise to the general public at retail.

- (2) An individual retail trade, including tenants, shall not occupy more than 25,000 square feet of gross floor area in a building, including all interior floor space, roof top parking, and outdoor retail and storage areas.
- (3) A group of retail trades separately owned or operated, including tenants, shall not occupy more than 50,000 square feet of floor area in a building, including all interior floor space, roof top parking, and outdoor retail and storage areas.
- (4) New buildings shall not have, nor shall existing buildings be altered to have, a distinct architectural style commonly employed by retail franchises to enhance or promote brand identity through visual recognition.
- (5) Where buildings are not contiguous, the space between them shall be a minimum of ten (10) feet and shall be improved for use by cyclists, pedestrians, or vehicles, or be landscaped.

27.3.2 Street Level Walls

The purpose of the street level wall requirement is to promote pedestrian use and activity and to encourage a higher degree of street life and vitality in the village district. Retailing is enhanced by having transparent store fronts abutting the sidewalk and by assembling a critical mass of continuous retail activities along adjoining streets.

- (1) Doorways that front on a public sidewalk shall be recessed into the building interior to a depth sufficient to separate sidewalk traffic from outwardly opening doors, to create focal interest, and to punctuate the street wall.
- (2) New construction, including substantial remodeling, shall utilize natural materials for the exterior cladding of all visible wall surfaces. The facades should be designed to be compatible with the purpose of the district in terms of scale, color and texture of materials, form and massing, and design detailing. Acceptable materials include, but are not limited to,

brick, stone, concrete stucco, terra cotta, precast concrete, glass, and where appropriate, cast metal for fenestrations, columns and beams. Reflective materials, including mirrored glass should be avoided as primary materials. Synthetic and imitation materials as well as aluminum, steel or other metal siding or cladding, vinyl and plastic materials are not allowed, except as a special exception in accordance with Section 92.5.3(39). Where a new or remodeled non-residential building abuts a lot containing an existing single or two-family dwelling unit or a residential district, its facades should be designed to be compatible with the residential use in terms of scale, color and texture of materials, form and massing, and design detailing.

- (3) To create an animated streetscape, an unbroken expanse of solid or blank wall shall not exceed twenty (20) linear feet. Devices suitable to break such a wall span include doors, windows, display windows and cases, street art, fountains, plazas, trees and landscaping, pedestrian furniture and the introduction of variety in materials, texture, color and/or pattern of wall materials.
- (4) Street level commercial spaces should be configured as units in order to stimulate visual interest, establish a predictable rhythm for pedestrians, and encourage the introduction of small retail and service businesses.
- (5) Windows located in street level walls, with the exception of stained glass windows, shall be transparent.

27.3.3 Utilities and Mechanical Units

- (1) All electrical, communication and other wiring shall be located underground within the alleys where practicable.
- (2) All exterior mechanical equipment and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.
- (3) Trash collection facilities and dumpsters shall be concealed by solid wood and/or masonry walls for their full height. Where wood is used as the screening material, it shall be securely attached to an all

metal support structure; if the wood is not pressure treated, it shall be cedar, redwood or cypress; and no wood member shall exceed twelve (12) inches in width. The gates shall be of metal, shall be at least eighty percent (80%) opaque, and shall be self-closing.

27.3.4 Landscaping Requirements

(1) Landscape Buffers for Surface Parking

Buffer strips required to separate surface parking spaces from streets and pedestrian uses shall be landscaped in one of the following ways:

- (a) A minimum 5-foot wide planting bed having a continuous masonry wall between thirty (30) and forty-two (42) inches high planted on the street side with at least one nondeciduous vine or shrub for every ten feet of wall length and one small maturing tree for every thirty (30) feet of wall length. Trees, shrubs and vines shall be evenly distributed along the length of the wall. The landscape bed shall be planted with an evergreen ground cover; or
- (b) A minimum 5-foot wide bed having a hedge of a nondeciduous species, planted and maintained to form a continuous visual screen at least thirty (30) inches high within one year of planting and one small maturing tree for every thirty (30) linear feet of required planting bed. The bed shall be planted with an evergreen ground cover.

(2) General Landscape Requirements

- (a) Plant material used to fulfill these requirements must be provided with an adequate irrigation system which does not rely on drainage from the street, sidewalk, or buildings.
- (b) All plant material must conform to the current version of the "American Standard for Nursery Stock" published by the American Association of Nurserymen.
- (c) The species of trees used must be consistent with adopted city ordinances concerning urban trees.
- (d) Maintenance of landscaping in a healthy, neat and attractive condition is the responsibility of the

owner of the property. Specifically, all plant material shall be watered, fertilized, pruned, kept free from weeds and litter, and replaced if diseased, injured or dead in a manner consistent with good horticultural practices.

- (e) All landscaping shall be installed in accordance with section 73.19, installation of landscaping.

27.3.5 Exterior Storage

No exterior storage of any type shall be permitted, unless it is totally contained, the containers are screened from public view, and such storage is located in a rear or side yard.

27.4 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.11 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

27.5 - Off-Street Parking and Loading Requirements

Except as provided herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

Parking shall not be permitted in any required side yard nor in the first five (5) feet of any required rear yard.

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

27.6 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping of the interior of parking lots and lighting of off-street parking and vehicular use areas is required in accordance with the provisions of Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements.

27.8 - Performance Standards

The performance standards listed in Section 50.2 (Research Park District) hereof shall be required for all uses located in a Village Business C-6 District.

27.9 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts,

subsection 75.3.7, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations.

Section 2. Amend ARTICLE 75 - ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, Section 75.3 - Permitted Establishments by Districts, by adding new subsection 75.3.7 Village Business C-6 District to read as follows:

75.3.7 Village Business C-6 District

Restaurant Liquor Retailers, excluding hotels and civic center authorities licensed as a Restaurant Liquor Retailer, and On/Off-Premises Beer/Table Wine Retailers with food service(all without entertainment) -- provided that such uses shall be subject to each of the following restrictions:

- 1) no alcoholic beverages shall be served, offered, dispensed, sold, or consumed between the hours of midnight and 2 a.m. unless a special exception has been granted in accordance with Section 92.5 - Powers and Duties, and further provided, the provisions of Section 74.4 - Non-Conforming Uses of Structures shall not operate to allow existing establishments to function contrary to this provision; and
- 2) there shall be no private sidewalk or patio seating unless a special exception has been granted in accordance with Section 92.5 - Powers and Duties; and
- 3) no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Off-Premises Beer/Table Wine Retailers operating as a specialty store provided that such retailers are not located within five hundred (500) feet of any protected use, unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

Section 3. Amend Article 92 - BOARD OF ADJUSTMENT, Section 92.5 - Powers and Duties, subsection 92.5.3 - Permitted Uses as Special Exceptions, by amending subsection 92.5.3(28), by amending:

Parking lots as a primary use in Neighborhood Business C-1 and C-2 districts.

to read as follows:

Parking lots as a primary use in Neighborhood Business C-1, Neighborhood Business C-2, and Village Business C-6 districts.

Section 4. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, Section 92.5 - Powers and Duties, subsection 92.5.3 - Permitted Uses as Special Exceptions, by adding new subsection 92.5.3(37) to read as follows:

92.5.3(37) Alcoholic Beverage Manufacturers that conduct tastings or samplings on the licensed premises (with or without entertainment) shall be permitted as a Special Exception in General Business C-3, Highway Business C-4, Village Business C-6, Light Industry, Heavy Industry, Commercial Industrial Park, and Airport Commercial districts.

Section 5. This ordinance shall take effect from and after the date of its publication.

ADOPTED this the _____ day of _____, 2015.

President or President Pro Tem
of the City Council of the City
of Huntsville, Alabama.

APPROVED this the _____ day of _____, 2015.

Mayor of the City of Huntsville,
Alabama

RESOLUTION NO. 15-

ADOPTED this the _____ day of _____, 2015.

President or President Pro Tem of
the City Council of the City of
Huntsville, Alabama.

APPROVED this the _____ day of _____, 2015.

Mayor of the City of Huntsville,
Alabama